

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 13, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08OD-180

OAHU

Grant of Perpetual, Non-Exclusive Easement for Drainage Purposes and Issuance of Construction and Management Right of Entry to the Department of Hawaiian Home Lands, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-018: portions of 050 and 051.

APPLICANT:

Department of Hawaiian Home Lands, whose business and mailing address is P.O. Box 1879, Honolulu, Hawaii 96805.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimanalo situated at Waimanalo, Oahu, identified by Tax Map Key: (1) 4-1-018: portions of 050 and 051, as shown on the attached map labeled "Exhibit A."

AREA:

3,000 square feet , more or less, to be determined by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District:
City and County of Honolulu LUO:

Agriculture
Country

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO X

CURRENT USE STATUS:

(1) 4-1-018:050 is encumbered by Revocable Permit No. 5545 to Mr. & Mrs. Joseph J. Hines for residential and home gardening purposes.

(1) 4-1-018:051 is encumbered by Governor's Executive Order No. 4239 set aside the land to the Department of Agriculture for agriculture purposes, subject to General Lease No. 5643 to Mr. Patrick Vahey for aquaculture purposes which was previously managed by this Department.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair over, under and across State-owned land for drainage purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment and Finding of No Significant Impact for the subject subdivision project was published in the OEQC's Environmental Notice on March 23, 2007.

DCCA VERIFICATION:

Not applicable. The Applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

- 2) Process and obtain subdivision at Applicant's own cost.

REMARKS:

On April 18, 2008, the Department of Hawaiian Home Lands (DHHL) had originally requested authorization to conduct drainage improvement work on the subject State lands. The improvement would serve DHHL's future residential subdivision project located on the opposite side of the street. On May 28, 2008, a formal request by DHHL was made for the issuance of a drainage easement to enable a new drainline to empty into an existing culvert on the subject State land; located along Kumuhau Street.

DHHL has provided signed copies of consent from the affected lessee and the permittee mentioned in the Current Use Status section. Further, Department of Agriculture inquired about responsibility and maintenance issues for the drainage culvert. Staff advised DOA that it is a standard condition requiring that the grantee of an easement to maintain the improvements.

Office of Hawaiian Affairs requested an evaluation of the effects of the proposed drainline upon the existing culvert located on parcel 51 and whether this easement will be accompanied by a fee. DHHL provided an analysis attached as Exhibit B concluding that the proposed improvement will not negatively impact parcel 51. Additionally, the subject easement will not be accompanied by a fee since the applicant is a State agency.

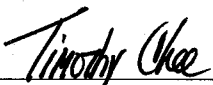
Board of Water Supply, Department of Facilities Maintenance, and Commission on Water Resource Management have no objections/comments to the subject request. Department of Health, State Historic Preservation Division and the Department of Planning and Permitting have not submitted any response as of the suspense date.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Department of Hawaiian Home Lands covering the subject area for drainage purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current non-exclusive perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

2. Authorize the issuance of a construction and management right-of-entry to the Department of Hawaiian Home Lands covering the subject area and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timothy Chae
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

December 11, 2008

**Analysis of the Kumuhau Subdivision drainage system
on Parcel 51**

Exhibit 1 (Existing Condition Hydrologic Map) shows the existing drainage conditions associated with the Kumuhau Subdivision project. The drainage areas that impact Parcel 51 are areas "A", "A1", "K" and "K1". Analysis of the existing drainage patterns (See Exhibit 2 – Existing Condition Hydrologic Map Enlargement) shows that the run-off from these areas enters the existing ditch in Parcel 51 via a catch basin at the corner of Humuniki Street & Kumuhau Street.

Drainage areas "A1", "K" and "K1" will not be affected by the Kumuhau Subdivision construction however, flows from Area "A" will decrease from 4.54 cfs to 3.95 cfs (See Exhibit 3 – Proposed Condition Hydrologic Map). Also, the drainage patterns are generally the same for both the existing and proposed conditions (See Exhibit 4 – Proposed Condition Hydrologic Map Enlargement). In the proposed condition, the flows upstream are being caught in a catch basin and grate inlet system prior to the proposed intersection of Kumuhau Street and Road A. The flows are then piped to the ditch in Parcel 51.

In conclusion, the proposed Kumuhau Subdivision drainage system will not negatively impact the existing ditch within Parcel 51 and will decrease the flows entering the ditch by 0.59 cfs.

EXHIBIT "B"